HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1083 (S/S) 2006

L.M. Pandey S/o Sri Tara Dutt Pandey,
Resident of village Naryan, P.O. Kanda,
District Bageshwar. ---- Petitioner.

Versus

1. State of Uttaranchal through
   Chief Secretary, Dehradun,
2. The Managing Director of U.P. Hill Electronic Corporation.
   Limited. (Hiltron), Uttaranchal, Dehradun,
3. District Education Officer, Bageshwar,
   District Bageshwar. -------- Respondents.

Mr. B.S. Khanka, learned Counsel for the petitioner,
Learned Standing Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.S. Khanka, learned counsel for the petitioner and learned Standing Counsel for the respondents.

The present writ petition has been filed by the petitioners for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari to quash the impugned transfer order dated 26.07.2006 passed by the respondent (annexure no 1 of this writ petition),

ii. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to maintain the petitioner in the cold place and pay the salary,

iii. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iv. Award the cost of petition.

By the impugned order dated 26.07.2006, the petitioner has been transferred from the office of District Education Officer, Bageshwar to the officer of District Education Officer, Champawat. Submission of the learned counsel for the petitioner is that the petitioner who has been transferred from Bageshwar to Champawat has moved an application to retain him at Bageshwar. The petitioner wants to retain the post at Bageshwar in view of the fact that he has to look after the ailing and aged parents who are residing near the village at Bageshwar. The transfer order has further been challenged on the ground that the petitioner has been transferred from Nainital to Bageshwar merely two years back. No complaint is received against the petitioner, but without completing three years at the present place of posting, he has again been transferred to Champawat.

It has been further submitted that a joint representation has been moved by the petitioner and Sri H.C. Pant who has been place at Bageshwar replacing the petitioner, on 4th August, 2006 (annexure no. 5 to the writ petition) requesting the Authorities to retain them at their present place of posting where they are working. It is submitted that the respondents may be directed to take decision on the joint representation dated 4th August 2006 within the period prescribed by the Court.

In the circumstances, I direct the respondent no. 2 to take decision on the representation dated 04.08.2006 (annexure no. 5 to the writ petition) moved by the petitioner and Sri H.C. Pant jointly, within a period of three weeks from the date of receipt of a certified copy of this order.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 8, 2006:
NCM: